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EMILY A. JOHNSON
BENJAMIN WOODSIDE SCHRIER
Assistant United States Attorneys

Before: HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

21 mag 4471

- - - - - X
UNITED STATES OF AMERICA : COMPLAINT
:
- v. - : Violations of
: 18 U.S.C. §§ 924(c), 2;
JOSEPH OCCHIOGROSSO, : 21 U.S.C. § 846
:
Defendant. : COUNTY OF OFFENSE:
: NEW YORK
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JAMES JOHNSON, being duly sworn, deposes and says that he is a Task Force Officer with the Federal Bureau of Investigation (the "FBI"), and charges as follows:

COUNT ONE

(Narcotics Conspiracy)

1. From at least in or about 2020, up to and including at least on or about April 23, 2021, in the Southern District of New York and elsewhere, JOSEPH OCCHIOGROSSO, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSEPH OCCHIOGROSSO, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that JOSEPH OCCHIOGROSSO, the defendant, and others known and unknown, conspired to distribute and possess with intent to distribute were (i) 500 grams and more of mixtures and substances containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers;

and (ii) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

(Firearms Offense)

4. On or about April 23, 2021, in the Southern District of New York and elsewhere, JOSEPH OCCHIOGROSSO, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the narcotics conspiracy charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

(Title 18, United States Code, Sections 924(c) and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

5. I am a Task Force Officer with the FBI. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. Based on my participation in this investigation, including my conversations with other law enforcement officers and my review of law enforcement reports and records, as well as my training and experience, I have learned the following, in substance and in part:

a. Since at least in or about December 2019, law enforcement has been investigating certain individuals (the "Target Subjects") suspected of engaging in narcotics trafficking in and around Manhattan and Suffolk County, New York, among other locations. In particular, the Target Subjects are suspected of

trafficking large quantities of methamphetamine, at least some of which they obtain from suppliers in Manhattan. One of the Target Subjects is JOSEPH OCCHIOGROSSO, the defendant.

b. On or about April 23, 2021, Magistrate Judge Robert M. Levy of the Eastern District of New York signed a warrant (the "Warrant") authorizing the search of an apartment in or around Brooklyn where OCCHIOGROSSO resides, as well as an associated garage (the "Subject Premises"). Shortly thereafter, law enforcement executed the Warrant and searched the Subject Premises.

c. During the search, law enforcement seized from the Subject Premises at least approximately 1.84 kilograms of mixtures and substances that later field-tested positive for methamphetamine (the "Methamphetamine"), and at least approximately 475 grams of mixtures and substances that contained a detectable amount of fentanyl (the "Fentanyl"). Law enforcement also seized from the Subject Premises a Ruger .380 caliber pistol ("Firearm-1") and an SCCY CPX-2 9 millimeter caliber pistol ("Firearm-2") (collectively, with Firearm-1, the "Firearms"). Additionally, law enforcement seized a large number of pills and approximately several thousand dollars of United States currency.

d. OCCHIOGROSSO was at the Subject Premises when law enforcement executed the Warrant and searched the Subject Premises. At or around the time that law enforcement seized the Methamphetamine, the Fentanyl, and the Firearms, OCCHIOGROSSO was arrested. After OCCHIOGROSSO was arrested, he provided law enforcement with oral and written waivers of his *Miranda* rights, and agreed to be interviewed by law enforcement. During the subsequent interview, OCCHIOGROSSO admitted, in sum and substance, that the Subject Premises was his residence, and that the Methamphetamine, the Fentanyl, and the Firearms were his. OCCHIOGROSSO further stated, in sum and substance, that he has conspired with others to traffic methamphetamine, and that, in furtherance of his methamphetamine trafficking, he has traveled from in or around Brooklyn to in or around Manhattan for the purpose of buying methamphetamine, which he later resold to other individuals.

WHEREFORE, I respectfully request that JOSEPH OCCHIOGROSSO, the defendant, be imprisoned or bailed, as the case may be.

sworn via telephone

JAMES JOHNSON
Task Force Officer
Federal Bureau of Investigation

Sworn to before me through the transmission of this Affidavit by reliable electronic means, pursuant to Rules 4.1 and 41(d)(3) of the Federal Rules of Criminal procedure, this
26th day of April, 2021

/s/ Gabriel W. Gorenstein

HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York